

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

BRENNAN LOVE BALL,
Plaintiff,

Case No. 1:13-cv-314

vs

Barrett, J.
Bowman, M.J.

CINCINNATI PUBLIC SCHOOLS, et al.,
Defendants.

ORDER

Plaintiff, a resident of Cincinnati, Ohio, brings this *pro se* civil action under 42 U.S.C. § 1983 against the Cincinnati Public Schools (CPS) and CPS Superintendent Mary Ronan. By separate Order issued this date, plaintiff has been granted leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. This matter is before the Court for a *sua sponte* review of plaintiff's complaint to determine whether the complaint, or any portion of it, should be dismissed because it is frivolous, malicious, fails to state a claim upon which relief may be granted or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B).

The instant complaint, filed May 9, 2013, is identical to another complaint that plaintiff filed with this Court on May 8, 2013. *See Brennan L. Ball v. Cincinnati Public Schools, et al.*, Case No. 1:13-cv-307 (Barrett, J.; Litkovitz, M.J.) (Doc. 1, Complaint). The only difference between the two complaints is that plaintiff only states "Please" in the "Relief" section of the instant complaint (*see* Doc. 1, Complaint, p. 4), whereas in the "Relief" section of the other complaint, he states: "I am not sure. Grant the demand." *See* Case No. 1:13-cv-307 (Doc. 1,

Complaint, p. 4).

The undersigned has issued an Order in the earlier-filed case dismissing the complaint on the ground that plaintiff has failed to state a claim upon which relief may be granted by this Court. For the reasons given in that Order, the instant complaint is also subject to dismissal with prejudice at the screening stage. *See* 28 U.S.C. 28 U.S.C. § 1915(e)(2)(B).

IT IS THEREFORE ORDERED THAT:

1. The complaint be **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B).
2. Pursuant to 28 U.S.C. § 1915(a) and for the foregoing reasons, the Court certifies that an appeal of this Order would not be taken in good faith and, therefore, **DENIES** plaintiff leave to appeal *in forma pauperis*. Plaintiff, however, remains free to apply to proceed *in forma pauperis* in the Court of Appeals. *See Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999), overruling in part *Floyd v. United States Postal Serv.*, 105 F.3d 274, 277 (6th Cir. 1997).

Date: May 16, 2013

s/ Michael R. Barrett
Michael R. Barrett, Judge
United States District Court